

107TH CONGRESS
2^D SESSION

H. J. RES. 111

Making continuing appropriations for the fiscal year 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2002

Mr. YOUNG of Florida introduced the following joint resolution; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 2003,
and for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That the following sums are hereby appropriated, out of
4 any money in the Treasury not otherwise appropriated,
5 and out of applicable corporate or other revenues, receipts,
6 and funds, for the several departments, agencies, corpora-
7 tions, and other organizational units of Government for
8 fiscal year 2003, and for other purposes, namely:

1 SEC. 101. Such amounts as may be necessary under
2 the authority and conditions provided in the applicable ap-
3 propriations Act for fiscal year 2002 for continuing
4 projects or activities including the costs of direct loans and
5 loan guarantees (not otherwise specifically provided for in
6 this joint resolution) which were conducted in fiscal year
7 2002, at a rate for operations not exceeding the current
8 rate, and for which appropriations, funds, or other author-
9 ity was made available in the following appropriations
10 Acts:

11 (1) the Agriculture, Rural Development, Food
12 and Drug Administration, and Related Agencies Ap-
13 propriations Act, 2002;

14 (2) the Departments of Commerce, Justice, and
15 State, the Judiciary, and Related Agencies Appro-
16 priations Act, 2002, notwithstanding section 15 of
17 the State Department Basic Authorities Act of
18 1956, section 313 of the Foreign Relations Author-
19 ization Act, Fiscal Years 1994 and 1995 (Public
20 Law 103–236), and section 504(a)(1) of the Na-
21 tional Security Act of 1947 (50 U.S.C. 414(a)(1));

22 (3) the Department of Defense Appropriations
23 Act, 2002, notwithstanding section 504(a)(1) of the
24 National Security Act of 1947 (50 U.S.C.
25 414(a)(1));

1 (4) the District of Columbia Appropriations
2 Act, 2002;

3 (5) the Energy and Water Development Approp-
4 riations Act, 2002, notwithstanding section
5 504(a)(1) of the National Security Act of 1947 (50
6 U.S.C. 414(a)(1));

7 (6) the Foreign Operations, Export Financing,
8 and Related Programs Appropriations Act, 2002,
9 notwithstanding section 10 of Public Law 91–672
10 and section 15 of the State Department Basic Au-
11 thorities Act of 1956;

12 (7) the Department of the Interior and Related
13 Agencies Appropriations Act, 2002;

14 (8) the Departments of Labor, Health and
15 Human Services, and Education, and Related Agen-
16 cies Appropriations Act, 2002;

17 (9) the Legislative Branch Appropriations Act,
18 2002;

19 (10) the Military Construction Appropriations
20 Act, 2002;

21 (11) the Department of Transportation and Re-
22 lated Agencies Appropriations Act, 2002;

23 (12) the Treasury and General Government Ap-
24 propriations Act, 2002; and

1 (13) the Departments of Veterans Affairs and
2 Housing and Urban Development, and Independent
3 Agencies Appropriations Act, 2002.

4 SEC. 102. No appropriation or funds made available
5 or authority granted pursuant to section 101 for the De-
6 partment of Defense shall be used for new production of
7 items not funded for production in fiscal year 2002 or
8 prior years, for the increase in production rates above
9 those sustained with fiscal year 2002 funds, or to initiate,
10 resume, or continue any project, activity, operation, or or-
11 ganization which are defined as any project, subproject,
12 activity, budget activity, program element, and subpro-
13 gram within a program element and for investment items
14 are further defined as a P-1 line item in a budget activity
15 within an appropriation account and an R-1 line item
16 which includes a program element and subprogram ele-
17 ment within an appropriation account, for which appro-
18 priations, funds, or other authority were not available dur-
19 ing fiscal year 2002: *Provided*, That no appropriation or
20 funds made available or authority granted pursuant to
21 section 101 for the Department of Defense shall be used
22 to initiate multi-year procurements utilizing advance pro-
23 curement funding for economic order quantity procure-
24 ment unless specifically appropriated later.

1 SEC. 103. Appropriations made by section 101 shall
2 be available to the extent and in the manner which would
3 be provided by the pertinent appropriations Act.

4 SEC. 104. No appropriation or funds made available
5 or authority granted pursuant to section 101 shall be used
6 to initiate or resume any project or activity for which ap-
7 propriations, funds, or other authority were not available
8 during fiscal year 2002.

9 SEC. 105. (a) For purposes of section 101, the term
10 “rate for operations not exceeding the current rate”—

11 (1) has the meaning given such term (including
12 supplemental appropriations and rescissions) in the
13 attachment to Office of Management and Budget
14 Bulletin No. 01–10 entitled “Apportionment of the
15 Continuing Resolution(s) for Fiscal Year 2002” and
16 dated September 27, 2001, applied by substituting
17 “FY 2002” for “FY 2001” each place it appears;
18 but

19 (2) does not include any unobligated balance of
20 funds appropriated in Public Law 107–38 and car-
21 ried forward to fiscal year 2002, other than funds
22 transferred by division B of Public Law 107–117.

23 (b) The appropriations Acts listed in section 101
24 shall be deemed to include supplemental appropriation
25 laws enacted during fiscal year 2002.

1 SEC. 106. Appropriations made and authority grant-
2 ed pursuant to this joint resolution shall cover all obliga-
3 tions or expenditures incurred for any program, project,
4 or activity during the period for which funds or authority
5 for such project or activity are available under this joint
6 resolution.

7 SEC. 107. Unless otherwise provided for in this joint
8 resolution or in the applicable appropriations Act, appro-
9 priations and funds made available and authority granted
10 pursuant to this joint resolution shall be available until
11 (a) enactment into law of an appropriation for any project
12 or activity provided for in this joint resolution, or (b) the
13 enactment into law of the applicable appropriations Act
14 by both Houses without any provision for such project or
15 activity, or (c) October 4, 2002, whichever first occurs.

16 SEC. 108. Expenditures made pursuant to this joint
17 resolution shall be charged to the applicable appropriation,
18 fund, or authorization whenever a bill in which such appli-
19 cable appropriation, fund, or authorization is contained is
20 enacted into law.

21 SEC. 109. Appropriations and funds made available
22 by or authority granted pursuant to this joint resolution
23 may be used without regard to the time limitations for
24 submission and approval of apportionments set forth in
25 section 1513 of title 31, United States Code, but nothing

1 herein shall be construed to waive any other provision of
2 law governing the apportionment of funds.

3 SEC. 110. Notwithstanding any other provision of
4 this joint resolution, except section 107, for those pro-
5 grams that had high initial rates of operation or complete
6 distribution of fiscal year 2002 appropriations at the be-
7 ginning of that fiscal year because of distributions of fund-
8 ing to States, foreign countries, grantees or others, similar
9 distributions of funds for fiscal year 2003 shall not be
10 made and no grants shall be awarded for such programs
11 funded by this resolution that would impinge on final
12 funding prerogatives.

13 SEC. 111. This joint resolution shall be implemented
14 so that only the most limited funding action of that per-
15 mitted in the joint resolution shall be taken in order to
16 provide for continuation of projects and activities.

17 SEC. 112. For the Overseas Private Investment Cor-
18 poration Program account, for the cost of direct and guar-
19 anteed loans, at an annual rate not to exceed \$19,000,000,
20 to be derived by transfer from the Overseas Private Invest-
21 ment Corporation non-credit account, subject to section
22 107(c).

23 SEC. 113. Activities authorized by section 403(f) of
24 Public Law 103–356, as amended by section 634 of Public
25 Law 107–67, and activities authorized under the heading

1 “Treasury Franchise Fund” in the Treasury Department
2 Appropriations Act, 1997 (Public Law 104–208), as
3 amended by section 120 of the Treasury Department Ap-
4 propriations Act, 2001 (Public Law 106–554), may con-
5 tinue through the date specified in section 107(c) of this
6 joint resolution.

7 SEC. 114. Activities authorized by title IV–A of the
8 Social Security Act, and by sections 510, 1108(b), and
9 1925 of such Act, shall continue in the manner authorized
10 for fiscal year 2002 through December 31, 2002 (notwith-
11 standing section 1902(e)(1)(A) of such Act): *Provided*,
12 That grants and payments may be made pursuant to this
13 authority at the beginning of fiscal year 2003 for the first
14 quarter of such year, at the level provided for such activi-
15 ties for the first quarter of fiscal year 2002: *Provided fur-*
16 *ther*, That notwithstanding rule 3 of the Budget
17 Scorekeeping Guidelines set forth in the joint explanatory
18 statement of the committee of conference accompanying
19 Conference Report 105–217, the provisions of this section
20 that would have been estimated by the Office of Manage-
21 ment and Budget as changing direct spending or receipts
22 under section 252 of the Balanced Budget and Emergency
23 Deficit Control Act of 1985 were they included in an Act
24 other than an appropriations Act shall be treated as direct
25 spending or receipts legislation, as appropriate, under sec-

1 tion 252 of the Balanced Budget and Emergency Deficit
2 Control Act of 1985, and by the Chairmen of the House
3 and Senate Budget Committees, as appropriate, under the
4 Congressional Budget Act of 1974.

5 SEC. 115. Activities authorized by section 1722A of
6 title 38, United States Code may continue through the
7 date specified in section 107(c) of this joint resolution.

8 SEC. 116. In addition to amounts made available in
9 section 101 and subject to sections 107(c) and 108 of this
10 joint resolution, such sums as may be necessary for con-
11 tributions authorized by 10 U.S.C. 1111 for the Uni-
12 formed Services of the Department of Defense, the Coast
13 Guard, the Public Health Service, and the National Oce-
14 anic and Atmospheric Administration are made available
15 to accounts for the pay of members of such participating
16 uniformed services, to be paid from such accounts into the
17 Fund established under 10 U.S.C. 1111, pursuant to 10
18 U.S.C. 1116(e).

19 SEC. 117. None of the funds made available under
20 this Act, or any other Act, shall be used by an Executive
21 agency to implement any activity in violation of section
22 501 of title 44, United States Code.

23 SEC. 118. Collection and use of maintenance fees as
24 authorized by section 4(i) and 4(k) of the Federal Insecti-
25 cide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a-

1 1(i) and (k)) may continue through the date specified in
2 section 107(c) of this joint resolution. Prohibitions against
3 collecting “other fees” as described in section 4(i)(6) of
4 the Federal Insecticide, Fungicide, and Rodenticide Act
5 (7 U.S.C. 136a–1(i)(6)) shall continue in effect through
6 the date specified in section 107(c) of this joint resolution.

7 SEC. 119. Security service fees authorized under 49
8 U.S.C. 44940 shall be credited as offsetting collections
9 and the maximum amount collected shall be used for pro-
10 viding security services authorized by that section: *Pro-*
11 *vided*, That the sum available from the General Fund shall
12 be reduced as such offsetting collections are received dur-
13 ing fiscal year 2003.

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